

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4506-07  
Bill No.: Perfected HCS No. 2 for HBs 1692, 1209, 1405, 1499, 1535, & 1811  
Subject: Property, Real and Personal; Licenses - Professional  
Type: Original  
Date: March 17, 2010

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Bill Summary: Omnibus Judiciary Bill - Version #1.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2011</b>	<b>FY 2012</b>	<b>FY 2013</b>
General Revenue	(\$353,967) to \$120,439	\$65,144 to \$645,203	\$67,157 to \$664,618
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(\$353,967) to \$120,439</b>	<b>\$65,144 to \$645,203</b>	<b>\$67,157 to \$664,618</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2011</b>	<b>FY 2012</b>	<b>FY 2013</b>
Children's Trust	\$26,250	\$32,130	\$32,760
Endowed Cemetery	\$5,250	\$6,426	\$6,552
Missouri Public Health Services	\$26,250	\$32,130	\$32,760
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$57,750</b>	<b>\$70,686</b>	<b>\$72,072</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 22 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Federal	\$0*	\$0*	\$0*
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0*</b>	<b>\$0*</b>	<b>\$0*</b>

\* Income and expenses/losses exceed \$1.69 million annually and net to \$0

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
General Revenue	3.5 to 10.5	3.5 to 10.5	3.5 to 10.5
<b>Total Estimated Net Effect on FTE</b>	<b>3.5 to 10.5</b>	<b>3.5 to 10.5</b>	<b>3.5 to 10.5</b>

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☒ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
<b>Local Government</b>	<b>(Unknown less than \$100,000)</b>	<b>(Unknown less than \$100,000)</b>	<b>(Unknown less than \$100,000)</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Elementary and Secondary Education, Department of Insurance, Financial Institutions, and Professional Registration, Department of Mental Health, Department of Labor and Industrial Relations, Department of Public Safety (DPS) - Missouri State Highway Patrol, Missouri Department of Conservation, Missouri Department of Transportation, Missouri Senate, Office of State Treasurer, and City of Centralia** assume the proposal will have no fiscal impact on their organizations.

In response to an earlier version of this proposal, officials from the **Office of Prosecution Services, St. Louis County, and Boone County Sheriff's Department** assumed the proposal would have no fiscal impact on their organizations.

Officials from the **DPS - Director's Office** assume any costs incurred as a result of this proposal can be absorbed with existing resources.

Officials from the **Jefferson City Police Department** assume the proposal will have a minimal fiscal impact.

Officials from the **Office of Attorney General (AGO)** assume that any potential costs resulting from the proposal could be absorbed with existing resources.

Officials from the **Office of Administration (COA) - Administrative Hearing Commission** anticipate this legislation will not significantly alter its caseload. However, if other similar bills pass, there are more cases, or the cases are more complex, there may be a fiscal impact.

In response to an earlier version of this proposal, Officials from the **COA - Division of General Services/Risk Management** state the proposed legislative changes to the legal expense fund have the potential for some cost savings.

**Oversight** assumes the number of claims that would be excluded as a result of defining "summer camp" would be minimal. Therefore, **Oversight** reflects no savings as a result of the proposal.

Officials from the **COA - Division of Budget and Planning (BAP)** assume the proposal will have no fiscal impact on their organization. However, this proposal contains two provisions that will impact total state revenue: 1) Expansion of licensure for real estate brokers, and 2) establishment of child support fees.

ASSUMPTION (continued)

The Department of Insurance, Financial Institutions, and Professional Registration should provide an estimate of possible increased costs and revenues to the state as a result of expanding the scope of licensure for real estate brokers. The Department of Social Services should provide an estimate of possible increased costs and revenues to the state as a result of establishing additional child support fees.

House Amendments 1-5 added to the proposal on March 16, 2010 will not impact total state revenue. However, the departments of Department of Social Services and Office of State Courts Administrator should provide an estimate of possible increased costs and revenues to the state as a result of these changes.

Officials from the **Department of Corrections (DOC)** state the DOC cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost through supervision provided by the Board of Probation and Parole (FY 09 average of \$3.71 per offender, per day, or an annual cost of \$1,354 per offender). The DOC assumes the narrow scope of the crime will not encompass a large number of offenders and the low felony status enhances the possibility of plea-bargaining or imposition of a probation sentence. The probability also exists that offenders would be charged with a similar, but more serious offense, or that sentences may run concurrent to one another. Therefore, supervision by the DOC through probation would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

In response to an earlier version of this proposal, officials from the **Office of State Public Defender (SPD)** stated, for the purpose of this proposed legislation, that they cannot assume existing staff will provide competent, effective representation for any new cases arising where indigent persons are charged with redefined crime of harassment and/or stalking.

Passage of bills increasing penalties on existing crimes, or creating new crimes, requires the SPD system to further extend resources. While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide competent and effective representation in all its cases.

**Oversight** assumes the SPD can absorb the additional caseload that may result from this proposal.

ASSUMPTION (continued)

Officials from the **Office of the Secretary of State (SOS)** assume authority is given to the Department of Revenue (DOR), Department of Health and Senior Services (DOH), Department of Insurance, Financial Institutions and Professional Registration (DIFP) (Real Estate Brokers), Department of Public Safety (DPS) (Division of Alcohol and Tobacco Control), and Department of Social Services (DSS) to promulgate rules. These rules will be printed in the Missouri Register and the Code of State Regulations. Based on experience with other departments, the rules, regulations, and forms issued by the DOR, DOH, DIFP (Real Estate Brokers), DPS (Division of Alcohol and Tobacco Control), and DOS could require as many as 44 pages in the Code of State Regulations. For any given rule, roughly half again as many pages are published in the Missouri Register as in the Code because cost statements, fiscal notes, and the like are not repeated in the Code. The estimated cost of a page in the Missouri Register is \$23; the estimated cost of a page in the Code of State Regulations is \$27. The actual cost could be more or less than the numbers given. The impact of this legislation in future years is unknown and depends upon the frequency and length of rules filed, amended, rescinded, or withdrawn. The SOS estimates FY 11 costs of \$2,706 [(44 pages X \$27) + (66 pages X \$23)].

**Oversight** assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

Officials from the **Office of State Courts Administrator (CTS)** state section 476.083, RSMo, beginning August 28, 2010, would lower the inmate population required to allow for the appointment of a circuit court marshal. This proposal would lower the population required from 2,500 to 1,500. Under the new legislation, seven (7) additional circuits would be eligible to apply for a circuit court marshal: 5th, 12th, 13th, 14th, 25th, 33rd and 45th. The highest average sheriff's salary for these circuits is \$56,932. 90% of the average highest sheriff's salary is \$51,239. Therefore, the approximate cost for the 7 FTE is \$307,861, plus fringes.

The CTS estimates additional circuit court marshal costs of \$474,406 for FY 11; FY 12 costs of \$580,059; and FY 13 costs of \$597,461.

Section 452.430, RSMo, includes various clerk redaction provisions relating to the dissolution of marriage. Redacting of these records will be time consuming for court clerks. In addition, courts may incur costs to set up a unique filing system for these records. While the CTS is unable to provide a specific dollar amount at this time, it is not expected to exceed \$100,000.

**Oversight** assumes the proposal would allow, but not require, the appointment of a circuit court marshal. Therefore, **Oversight** has ranged the fiscal impact from \$0 to approximately (\$460,000) in FY 11 and from \$0 to approximately (\$580,000) in subsequent years.

DESCRIPTION (continued)

Officials from the **Department of Revenue (DOR)** provide the following assumptions relating to this proposal:

**Administrative Impact:**

**Taxation Division:**

**Sections 32.0456 and 301.145**

Through conversation with the Office of State Courts Administrator (CTS), Missouri has 7 Supreme Court judges, 32 Appellate Court judges, and 335 Circuit/Associate Court judges. The CTS also advises that municipal court judges are empowered through the Circuit Court system and should be considered a qualifying judge. There are 540 Municipal court judges. In addition, it was indicated there are 35 federal judges that would fall into this proposal.

The DOR currently has a process in place for designated persons to include their information in the confidential records system. This proposal expands the parameters of who may be included in the confidential records system and, therefore, increases the DOR's workload of recording this information.

There are 949 total judges that would be available for this process. It is assumed that only 10% (95) of those judges will participate in FY 11. As knowledge and awareness increases, it is assumed that 50% (475) will participate in FY 12, and 75% (712) in FY 13. A revenue processing technician can process 5 confidential transactions per hour resulting in 19 hours of overtime in FY 11 at a cost of \$288; 98 hours of overtime in FY 12 at a cost of \$1,481; and 147 hours of overtime in FY 13 at a cost of \$2,221.

**Section 306.532**

Procedures will need to be revised by a Management Analyst Specialist I requiring 40 hours of overtime at a cost of \$805 in FY 11. The Application for Missouri Boat/Vessel or Outboard Motor Title and Registration (DOR-93) will need to be revised to include a new field labeled "Model Year-NEW." This will require 40 hours of overtime for a Management Analyst Specialist I, at a cost of \$805 in FY 11.

It is assumed that this proposal will increase the number of calls the DOR receives regarding marine title transactions by 5%. In FY 09 there were 7,624 phone calls received by the department regarding marine inquiries with an average of 953 phone calls per month (it is

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ASSUMPTION (continued)

unknown how many of these calls were specifically about outboard motors). If the DOR assumes the calls will increase by 5%, this will result in 381 more phone calls per year. This will result in an FTE (Revenue Processing Tech I) needing 40 hrs of overtime (time and a half) to answer and research associated questions at a cost of \$402 in FY 11 (6 months), \$828 in FY 12, and \$852 in FY 13.

This proposal will potentially increase the number of marine outboard motor titles that error out and are rejected and cannot be processed due to the new information required. There were 189 outboard motor title transactions in FY 09. The DOR assumes 18 % of these were rejected (percentage of rejections based on percentage of overall rejections as the specific outboard motor number cannot be determined) and the same 5% increase as what was assumed for phone inquiries, this would result in a minimal increase to the department's processing of those rejects.

**Information Technology (ITSD/DOR):**

**System Modifications:**

The department's response to a proposal similar to or identical to this one in a previous session indicated the department planned to absorb the administrative costs to implement the proposal. Due to budget constraints, reduction of staff and the limitations within the department's tax systems, changes cannot be made without significant impact to the department's resources and budget. Therefore, the IT portion of the fiscal impact is estimated with a level of effort valued at \$26,712 (calculated on 1008 FTE hours).

**Section 306.532**

Information Technology (IT) will need to create a new error type in the Marine General Registration System as well as a new data field titled "Model Year New" to record the information on the system. The marine title print program will need to be updated to include the field "Model Year New" and the Title and Registration Intranet Processing System (TRIPS) and the Key Entry Data System (KEDS) will need to be revised and updated to include the field "Model Year New."

**Drivers License Bureau:**

The proposal will require updating the restriction of information form and updating the procedures for acceptance and processing of restriction of information forms. It is estimated these updates will require a total of \$2,405 in additional overtime labor costs.

Total costs for the DOR are estimated to be \$31,427 for FY 11; \$2,322 for FY 12; and \$3,086 for FY 13.

ASSUMPTION (continued)

**Amendment #2**

The provisions in Section 571.101.2 propose a change to the minimum age requirement for a certificate of qualification for a concealed carry endorsement. The MEDL system would have to be modified to change the age edit for a concealed carry endorsement from twenty-three to twenty-one.

The DOR will need to update their website information regarding concealed carry endorsement issuance.

The DOR will need to coordinate information and changes to all law enforcement. A more detailed effort will be coordinated with the Missouri Sheriff's Association, because Sheriffs actually issue the CCW certification.

DOR estimates the following impact:

Driver License Bureau (DLB)

The proposed changes will require:

- Drafting of updates to website information on CCW.
- Updating office procedures.
- Work with Sheriff's Association to ensure all Sheriffs are notified of changes. Cost unknown.
- Development of Missouri Electronic Driver License system change requirements documents to define changes to minimum age and issuance periods for a concealed carry endorsement and completion of end-user testing by our internal staff. This will require overtime from existing staff in order to perform the testing:

FY 11

Administrative Analyst –	120 hrs @ \$24 (1 ½) per hr = \$2,880.00
Management Analyst Specialist II –	130 hrs @ \$23 per hr = \$2,990.00
Revenue Band Manager –	10 hrs @ \$30 per hr = \$300.00
	<b>Total = \$6,170.00</b>



ASSUMPTION (continued)

Cost for Personnel Services Bureau to update website and related forms for CCW information changes:

FY 11

Administrative Analyst III –	10 hours @ \$22 per hour = \$220.00
2 Management Analysis Specialist I –	80 hours @ \$21 per hour = \$1,680.00
	<b>Total = \$1,900.00</b>

OA– Information Technology

This legislation will require programming changes to the Missouri Electronic Driver License (MEDL also referred to as Over the Counter-OTC) software and supporting applications to change the minimum age edits.

The value of the level of effort is calculated by taking an Over The Counter contractor @ \$100/hour for 20 hours.

DOR notes the change in the minimum age requirement from 23 to 21 may increase the volume of CCW endorsements which will increase revenue for the duplicate license fee; however, the number of applicants is unknown, but expected to be minimal.

**Oversight** assumes the Department of Revenue's (DOR) costs of updating the DOR's website and related forms for CCW information changes could be absorbed within existing resources. Oversight also assumes, based on DOR's responses to similar legislation lowering the age for concealed carry endorsements from twenty-three to twenty-one and legislation extending the validity of a concealed carry endorsement from three to five years, that DOR could accomplish the programming changes that would be necessary as a result of the proposal with 20 hours of contract programming.

Officials from the **Department of Health and Senior Services (DOH)** provide the following assumptions for this proposal:

**Section 193.087:**

Currently, the DOH, Bureau of Vital Records responds to approximately eight to 10 inquiries per day regarding access to a voluntary acknowledgment of paternity affidavit. This amount is expected to double from the current amount with an increase of approximately 2,520 requests annually (10 requests X average of 21 working days per month X 12 months in a year = 2,520). It is not anticipated that additional FTE resources would be needed, unless the demand exceeds expectations.

**ASSUMPTION** (continued)

This proposal also requires the DOH to establish a fee, by rule, to charge for a copy of the voluntary acknowledgment of paternity affidavit. It is anticipated that this fee will be consistent with the search fee equal to the amount for a certification of a vital record established in Section 193.265, RSMo. Per Section 193.265, RSMo, the cost per birth certificate statement is \$15 to be distributed as follows: Children's Trust Fund - \$5; General Revenue - \$4; Endowed Cemetery Fund - \$1; and Missouri Public Health Services Fund (MOPHS) - \$5. The increase in revenue for FY 2011 is determined by 2,520 requests X \$15 per request = \$37,800 (\$31,500 for 10 months). Per 193.265, RSMo, this revenue will be split: GR = \$8,400; Children's Trust Fund = \$10,500; Endowed Cemetery Fund = \$2,100; and MOPHS = \$10,500.

**Section 193.128:**

Currently, the Bureau of Vital Records responds to approximately 10 to 15 inquiries and requests daily regarding access to sealed adoption records. Inquiries and requests for copies of original birth certificates are expected to double from the current amount, with an increase of approximately 3,780 requests annually (15 X average of 21 working days per month X 12 months in a year = 3,780 requests). There is currently one Senior Office Support Assistant -

Keyboarding (SOSA) working on adoptions. Two additional SOSAs would be needed to handle the additional requests, redact information from medical history forms, and assist in preliminary investigative activities in locating the birth mother. The additional SOSA positions would assist internal and external customers through written correspondence, in person, and over the telephone regarding adoptions, vital events, and related matters. The SOSAs would perform moderate to difficult clerical and technical functions involving a significant amount of public contact. Duties include researching requests related to obtaining original birth records; determining if the mother is living; locating contact information; processing documents related to births, including adoption decrees (domestic and foreign); legitimating affidavits; amending or creating new certificates as instructed by affidavits or court orders; processing delayed applications; performing manual and computer searches; updating the system mainframe; and issuing copies as requested.

The legislation would also require the Bureau of Vital Records, State Registrar, to develop a contact preference form and medical history form to provide to the birth parent(s), upon request.

The sealed records are stored at the State Archives. DOH currently does not have staff dedicated to drive to the State Archives to retrieve and return the sealed records. A one-half Office Support Assistant-Keyboard (OSA) is requested to perform these duties. DOH estimates three trips per week, utilizing an existing state vehicle, to the State Archives. The OSA will research the

ASSUMPTION (continued)

location of the records, locate and pull the appropriate sealed records at archives and return the previous sealed records to the proper location. The OSA may also assist the SOSA as time allows in processing applications and duplicating records.

A Clinical Social Work Specialist is requested to make phone calls to birth mothers to obtain her consent or denial to release the original birth record. These calls will be sensitive in nature, as the birth mother may not be aware that her birth child is trying to locate her. A high degree of tact, sensitivity, discretion and specialized training will be necessary to perform these duties.

Standard expense and equipment costs are included for additional staff. In addition, approximately \$1,663 would be needed for postage (3,780 X \$0.44 per envelope).

Per Section 193.128.3 of the proposed legislation, the State Registrar may impose a fee for issuance of an uncertified copy of an original birth certificate. Per Section 193.265, RSMo, the cost per birth certificate is \$15 to be distributed as follows: Children's Trust Fund - \$5; General Revenue - \$4; Endowed Cemetery Fund - \$1; and MOPHS - \$5. The increase in revenue for FY 11 is determined by 3,780 requests X \$15 per request, for a total of \$56,700 (\$47,250 for 10 months). Per 193.265, RSMo, this revenue will be split: GR = \$12,600; Children's Trust Fund = \$15,750; Endowed Cemetery Fund = \$3,150; and MOPHS = \$15,750.

The DOH estimates net FY 11 costs to the General Revenue Fund of \$156,492; net FY 12 costs of \$167,534; and net FY 13 costs of \$172,827.

**Oversight** assumes the DOH would not need rental space for 3.5 FTE.

Officials from the **Department of Social Services (DOS) - Children's Division (CD)** provide the following assumptions for this proposal:

Section 193.125, 193.128 193.132 and 193.255 - Adoption Records

This proposed legislation will not have a fiscal impact on the Children's Division, but policy may need to be updated.

Section 210.145, Section 210.150, and Section 210.152 - Child Abuse Investigations and Alleged Perpetrator Appeal Process

The Children's Division anticipates some minimal changes to policy and to the FACES system to accommodate the following changes in time-frames:

- From 30 days to 45 working days to complete an investigation;
- From 60 days to 30 days in which an alleged perpetrator may request an appeal.

ASSUMPTION (continued)

Changes to section 210.150 and 210.152 to limit the time-frame on pending criminal charges as well as the reduction of the time frame in which an alleged perpetrator may request an appeal from sixty to thirty days would expedite the appeal process allowing alleged perpetrators timelier due process as well as placing perpetrators who present a risk to children on the central registry as soon as possible.

The Children's Division does not anticipate a significant fiscal impact.

Section 455.501 - Adult Orders of Protection

This proposal lowers the age in which an individual can file an adult order of protection from age 18 to age 17. The Children's Division does not anticipate a fiscal impact.

Officials from the **DOS - Family Support Division (FSD)** provide the following assumptions for this proposal:

Section 193.087:

Because the amendment to 193.087, RSMo, specifically includes state and federal child support agencies as entities subject to a fee for copies of the affidavit acknowledging paternity, the FSD assumes it will have to pay a fee each time it requests a copy of an affidavit from the Department of Health and Senior Services (DOH). The FSD routinely makes such requests to DOH because the federal government requires Title IV-D state child support agencies to obtain and maintain in the case record a copy of these affidavits as documentation of paternity establishment for children born out of wedlock. Since the amount of the fee is unknown, the FSD is unable to determine the cost that may be incurred as a result of this change. The division estimates the cost to be unknown less than \$100,000.

Sections 454.425 and 454.548, RSMo:

**State FY 2011:**

In its State FY 11 budget request, FSD requested funding of \$137,112 in one-time costs related to a one-time mailing of fee notifications and system changes necessary to implement the child support fees proposed in this bill (\$46,618 would be funded with Child Support Enforcement Collections Funding; and \$90,494 with federal funding).

ASSUMPTION (continued)

To meet federal notification requirements, the FSD would need to mail notices to never-assistance recipients of services. The division expects it will need to mail approximately 123,000 notices at a cost of \$0.36 per notice for a one-time cost of \$44,280. After the first year, notice to affected entities will be incorporated into existing agency forms/notices at no additional cost.

It is estimated it would take the Office of Administration's Information Technology (IT) staff 1,200 hours to make the necessary system changes to the Missouri Automated Child Support Systems (MACSS) to implement the fees for a one-time cost of \$92,832 (1,200 hours x \$77.36 hourly rate).

In addition, in FY 2011, the FSD estimates that approximately 3,573 cases would be subject to the review fee, resulting in \$214,380 in fee collections (\$72,889 state share). Approximately 4,113 cases would be subject to the modification fee. The division also estimates that 2,879 will be subject to a fee of \$175 and 1,234 will be subject to a fee of \$350, resulting in \$935,725 in fee collections (\$318,147 state share). Approximately 19,243 cases would be subject to the federal income tax refund offset fee annually, resulting in \$481,075 in fee collections (\$163,566 state share). Expanding the annual \$10 annual payment processing fee to include IVD cases would result in an additional \$481,580 in fee collections annually (\$163,737 state share).

There is a potential total annual collection of fees of \$2,112,760 (\$718,339 state share). However, due to implementation and the Division's ability to collect the fees, the Division does not expect to collect the full amount in the first year. The FSD only anticipates collecting a little more than half of the fees in the first year. Therefore, in FY11, based on the following calculations, the Division believes of the fees collected, \$335,861 could be used to offset GR expenditures. In the FY 11 FSD Budget Request, there was a core cut of GR in the County Reimbursement core.

	<u>State Share</u>	<u>Federal Share</u>	<u>Total</u>
Total potential fees collected	\$718,339	\$1,394,421	\$2,112,760
Less one-time implementation costs	\$ 46,618	\$ 90,494	\$ 137,112
Net fees/savings amount	\$671,721	\$1,303,927	\$1,975,648
First year fees (net)	\$335,861	\$651,965	\$987,825
Total first year fees anticipated	\$382,479	\$742,458	\$1,124,937

ASSUMPTION (continued)

**State FY 2012:**

In FY 12, the division estimates that approximately 4,288 cases would be subject to the review fee, resulting in \$257,280 in fee collections (\$87,475 state share). Approximately 4,936 cases would be subject to the modification fee. The division estimates that 3,455 will be subject to a fee of \$175 and 1,481 will be subject to a fee of \$350, resulting in \$1,122,925 in fee collections (\$381,795 state share). Approximately 20,256 cases would be subject to the federal income tax refund offset fee annually, resulting in \$506,400 in fee collections (\$172,176 state share).

Expanding the annual \$10 annual payment processing fee to include IVD cases would result in an additional \$577,910 in fee collections annually (\$196,489 state share). To meet federal notification requirements, the division would need to mail notices to never-assistance recipients of services. The division expects it will need to mail approximately 123,000 notices at a cost of \$0.36 per notice for a one-time cost of \$44,280 (\$15,055 state share). After the first year, notice to affected entities will be incorporated into existing agency forms/notices at no additional cost.

In FY 12, there is a potential total annual collection of fees of \$2,464,515 (\$837,935 state share).

In response to legislation identical to House Amendment No. 2, officials from the **Missouri House of Representatives** assumed the proposal would have no fiscal impact on their organizations.

<u>FISCAL IMPACT - State Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
<b>GENERAL REVENUE FUND</b>			
<u>Income - DOH</u>			
Certified copy revenue	\$21,000	\$25,704	\$26,208
<u>Income - DOS-FSD</u>			
Fee income collected	<u>\$335,861</u>	<u>\$837,935</u>	<u>\$863,073</u>
Total <u>Income</u> - DOH and DOS	<u>\$356,861</u>	<u>\$863,639</u>	<u>\$889,281</u>
<u>Costs - DOH</u>			
Personal service costs (3.5 FTE)	(\$84,841)	(\$104,864)	(\$108,010)
Fringe benefits	(\$44,491)	(\$54,991)	(\$56,640)
Equipment and expenses	<u>(\$39,160)</u>	<u>(\$22,259)</u>	<u>(\$22,927)</u>
Total <u>Costs</u> - DOH	<u>(\$168,492)</u>	<u>(\$182,114)</u>	<u>(\$187,577)</u>
FTE Change - DOH	3.5 FTE	3.5 FTE	3.5 FTE
<u>Costs - CTS</u>			
Personal service costs (7 FTE)	\$0 to (\$307,861)	\$0 to (\$380,516)	\$0 to (\$391,932)
Fringe benefits	\$0 to (\$161,442)	\$0 to (\$199,543)	\$0 to (\$205,529)
Equipment and expense	<u>\$0 to (\$5,103)</u>	<u>\$0</u>	<u>\$0</u>
Total <u>Costs</u> - CTS	<u>\$0 to (\$474,406)</u>	<u>\$0 to (\$580,059)</u>	<u>\$0 to (\$597,461)</u>
FTE Change - CTS	0 to 7 FTE	0 to 7 FTE	0 to 7 FTE
<u>Costs - DOS-FSD</u>			
Affidavit fees	(Unknown less than \$28,333)	(Unknown less than \$34,000)	(Unknown less than \$34,000)
Total <u>Costs</u> - DOS-FSD	<u>(Unknown less than \$28,333)</u>	<u>(Unknown less than \$34,000)</u>	<u>(Unknown less than \$34,000)</u>
<u>Costs - DOR</u>			
Overtime labor costs	(\$10,875)	(\$2,309)	(\$3,073)
Programming and expenses	<u>(\$28,722)</u>	<u>(\$13)</u>	<u>(\$13)</u>
Total <u>Costs</u> - DOR	<u>(\$39,597)</u>	<u>(\$2,322)</u>	<u>(\$3,086)</u>
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<b><u>(\$353,967) to \$120,439</u></b>	<b><u>\$65,144 to \$645,203</u></b>	<b><u>\$67,157 to \$664,618</u></b>
Estimated Net FTE Change for General Revenue Fund	3.5 to 10.5 FTE	3.5 to 10.5 FTE	3.5 to 10.5 FTE

<u>FISCAL IMPACT - State Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
<b>CHILDREN'S TRUST FUND</b>			
<u>Income - DOH</u>			
Certified copy revenue	<u>\$26,250</u>	<u>\$32,130</u>	<u>\$32,760</u>
<b>ESTIMATED NET EFFECT ON CHILDREN'S TRUST FUND</b>	<b><u>\$26,250</u></b>	<b><u>\$32,130</u></b>	<b><u>\$32,760</u></b>
<b>ENDOWED CEMETERY FUND</b>			
<u>Income - DOH</u>			
Certified copy revenue	<u>\$5,250</u>	<u>\$6,426</u>	<u>\$6,552</u>
<b>ESTIMATED NET EFFECT ON ENDOWED CEMETERY FUND</b>	<b><u>\$5,250</u></b>	<b><u>\$6,426</u></b>	<b><u>\$6,552</u></b>
<b>MISSOURI PUBLIC HEALTH SERVICES FUND</b>			
<u>Income - DOH</u>			
Certified copy revenue	<u>\$26,250</u>	<u>\$32,130</u>	<u>\$32,760</u>
<b>ESTIMATED NET EFFECT ON MISSOURI PUBLIC HEALTH SERVICES FUND</b>	<b><u>\$26,250</u></b>	<b><u>\$32,130</u></b>	<b><u>\$32,760</u></b>
<b>FEDERAL FUNDS</b>			
<u>Income - DOS-FSD</u>			
Increase in program reimbursements	Unknown less than \$55,000	Unknown less than \$66,000	Unknown less than \$66,000
Fee income collected	<u>\$651,965</u>	<u>\$1,626,580</u>	<u>\$1,675,377</u>
Total <u>Income</u> - DOS-FSD	<u>Unknown less than \$706,965</u>	<u>Unknown less than \$1,692,580</u>	<u>Unknown less than \$1,741,377</u>
<u>Costs - DOS-FSD</u>			
Increase in program costs	<u>(Unknown less than \$55,000)</u>	<u>(Unknown less than \$66,000)</u>	<u>(Unknown less than \$66,000)</u>
Total <u>Costs</u> - DOS-FSD	<u>(Unknown less than \$55,000)</u>	<u>(Unknown less than \$66,000)</u>	<u>(Unknown less than \$66,000)</u>



<u>FISCAL IMPACT - State Government</u>	<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2013</u>
	<u>(10 Mo.)</u>		

**FEDERAL FUNDS (continued)**

Loss - DOS

Reduction in reimbursements for fee income collected	<u>(\$651,965)</u>	<u>(\$1,626,580)</u>	<u>(\$1,675,377)</u>
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**ESTIMATED NET EFFECT ON  
FEDERAL FUNDS**

<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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<u>FISCAL IMPACT - Local Government</u>	<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2013</u>
	<u>(10 Mo.)</u>		

**LOCAL GOVERNMENTS -  
COUNTIES**

Costs - Counties

Additional clerk duties	<u>(Unknown less than \$100,000)</u>	<u>(Unknown less than \$100,000)</u>	<u>(Unknown less than \$100,000)</u>
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**ESTIMATED NET EFFECT ON  
LOCAL GOVERNMENTS -  
COUNTIES**

<u>(Unknown less than \$100,000)</u>	<u>(Unknown less than \$100,000)</u>	<u>(Unknown less than \$100,000)</u>
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FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

**COURTS AND JUDGES**

The substitute: (1) Prohibits the Department of Revenue from releasing the home address or any other information contained in the motor vehicle or driver registration records of any state or federal judge or his or her immediate family members. Any state or federal judge is allowed to request the issuance of a special license plate or driver's license; (2) Specifies that "summer camp," as it relates to the State Legal Expense Fund, means a program operated only between May and September by a person or organization with the primary function of providing a summer

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FISCAL DESCRIPTION (continued)

recreational program for children from five to 18 years of age; and (3) Specifies that a voluntary acknowledgment of paternity will be a closed public record, but a copy must be available to certain specified persons.

ADOPTION RECORDS (Sections 193.125, 193.128, 193.132, and 193.255)

The substitute changes the laws regarding adoption records. For adoptions instituted or completed on or after August 28, 2010, the substitute: (1) Allows any adopted person who is at least 18 years of age to submit an application to the State Registrar and, upon receiving the application, be issued a copy of his or her original, unaltered birth certificate and adoption records; (2) Allows an adopted person, the adopted person's attorney, or the adopted person's descendants, if the adopted person is deceased, to obtain a copy of the adopted person's original birth certificate from the State Registrar upon written application and the appropriate proof of identification. The adopted person must be at least 18 years of age and have been born in Missouri; (3) Requires the State Registrar to develop and, upon request, provide each birth parent with a contact preference form and a medical history form. If a contact preference form is filed with the registrar, a medical history form must also be filed; (4) Requires the State Registrar, upon receipt of the completed contact preference and medical history forms, to attach the forms to the original birth certificate of the adopted person. Completed contact preference and medical history forms have the same level of confidentiality as the original birth certificate; and (5) Requires the adopted person to agree in writing to abide by the birth parent's preference stated in the contact preference form if it is attached to the adopted person's original birth certificate. The State Registrar must also provide a medical history form if it was completed by the birth parent.

For adoptions instituted or completed prior to August 28, 2010, the substitute: (1) Requires a copy of the medical history form, which has had all identifying information redacted, to be issued to the adopted person; (2) Requires the State Registrar to release the original birth certificate only if the birth mother is deceased. If the birth mother is not deceased, the registrar must, within three months of application by the adopted person, make reasonable efforts to contact the birth mother via telephone, personally and confidentially, to obtain the birth mother's consent or denial to release the original birth certificate. The registrar may charge the actual costs for the search of the birth mother to the adopted person; and (3) Allows the adopted person, if the birth mother could not be contacted, to re-apply for a copy of his or her original birth certificate within one year from the end of the three-month period during which the attempted contact with the birth mother was previously made. The State Register must not release the certificate of birth until the birth mother submits a subsequent written consent for release.

### FISCAL DESCRIPTION (continued)

#### CHILD SUPPORT SERVICE FEES (Sections 454.425 and 454.548)

The substitute requires the Family Support Division within the Department of Social Services to charge fees for certain child support-related services including: (1) A nonrefundable \$60 fee to an obligee or obligor who requests the division to review a support order to determine whether a modification of a support order is appropriate; (2) A nonrefundable fee to an obligee or obligor who requests that the division modify a support order after the division has determined that a modification is appropriate. The fee will be \$175 if the requestor has an individual gross monthly income equal to or greater than 250% but less than 400% of the federal poverty level based on a household size of one or \$350 if the requestor has an individual gross monthly income equal to or greater than 400% of the federal poverty level based on a household size of one; (3) A \$25 fee for submitting past-due child and spousal support debts for collection through federal income tax refund offset. The fee will only be assessed if the division collects support using the offset; and (4) A \$10 fee from support received through the payment center for each order for every year or portion of a year during which payments are received by the payment center.

#### JUDICIAL PROCEEDINGS

The substitute: (1) Lowers the age limit for juvenile court jurisdiction for state or local traffic violations from 15 1/2 to 15 years of age; (2) Requires the Missouri Real Estate Commission within the Department of Insurance, Financial Institutions and Professional Registration upon receiving notice from the Department of Revenue that a licensee is delinquent in paying his or her taxes to immediately send a copy of the notice to the broker with which the licensee is associated; (3) Allows the residence of a child to be relocated 60 days after notice is provided to the court by any individual having custody or visitation rights unless a parent files a motion seeking an order to prevent the relocation within 30 days after receiving the notice. The motion contesting relocation must contain an affidavit stating the specific facts for opposing the relocation. The person seeking relocation must file a response including a counter-affidavit to any motion contesting relocation within 14 days, unless extended by the court for good cause; and the counter-affidavit must contain facts supporting the relocation and a proposed revised parenting plan for the child; (4) Requires any pleading, other than the interlocutory or final judgment, or any modification thereof, in a dissolution of marriage, legal separation, or motion to modify filed before August 28, 2009, to be subject to inspection only by the parties or an attorney of record or upon order of the court for good cause shown by any person or designee of a person licensed and acting under Chapter 381 who must keep any information obtained confidential except as necessary to the performance of functions required under the chapter or by the Family Support Division within the Department of Social Services when services are being provided under Section 454.400. Persons authorized to inspect these documents are allowed to receive or

### FISCAL DESCRIPTION (continued)

make copies of the documents without requiring the clerk to redact information unless specifically ordered to do so by the court. Upon a request, the clerk must redact the Social Security number from any filings, judgment, or pleading before releasing the information to the public; (5) and the provisions regarding outboard motor certificate of titles become effective January 1, 2011.

### House Amendment #2

The proposed legislation specifies that an individual who owns or leases private property may use deadly force against a person who unlawfully enters, remains after unlawfully entering, or attempts to unlawfully enter the property. The owner or lessor of the private property does not have a duty to retreat from the property.

The minimum age requirement for obtaining a concealed carry endorsement is lowered from 23 to 21 years of age. To process a change of address for a concealed carry endorsement, the sheriff of the new jurisdiction may charge a fee of up to \$10; and a sheriff may charge a fee of up to \$10 to change the name on an endorsement.

The possession of antique firearms, as defined in 18 U.S.C. Section 921, will be exempt from the provision that specifies a person commits the crime of unlawful possession of a firearm if he or she is a convicted felon possessing a firearm.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

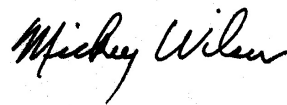
### SOURCES OF INFORMATION

Office of Attorney General  
Office of Administration -  
    Administrative Hearing Commission  
    Division of Budget and Planning  
    Division of General Services/Risk Management  
Office of State Courts Administrator  
Department of Elementary and Secondary Education  
Department of Insurance, Financial Institutions, and Professional Registration  
Department of Mental Health  
Missouri Department of Conservation  
Department of Corrections

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SOURCES OF INFORMATION (continued)

Department of Health and Senior Services  
Department of Labor and Industrial Relations  
Department of Revenue  
Department of Social Services -  
    Family Services Division  
    Children's Division  
Missouri Department of Transportation  
Department of Public Safety -  
    Director's Office  
    Missouri State Highway Patrol  
Missouri Department of Conservation  
Missouri House of Representatives  
Missouri Senate  
Office of Prosecution Services  
Office of Secretary of State  
Office of State Public Defender  
Office of State Treasurer  
St. Louis County  
City of Centralia  
Boone County Sheriff's Department  
Jefferson City Police Department



Mickey Wilson, CPA  
Director

L.R. No. 4506-07

Bill No. Perfected HCS No. 2 for HBs 1692, 1209, 1405, 1499, 1535, & 1811

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